

BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

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REGULATORY AUTH.
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OFFICE OF THE
EXECUTIVE SECRETARY

CONSUMER ADVOCATE DIVISION)

v.)

AT&T COMMUNICATIONS OF THE)
SOUTH CENTRAL STATES)

DOCKET NO. 99-00223

COMPLAINT OR PETITION TO INTERVENE

Comes the Consumer Advocate Division of the Office of Attorney General, pursuant to Tenn. Code Ann. §§ 65-4-118; 65-2-101 (2); 65-2-103; 65-2-107; 65-2-101 (2); 4-5-310 and Rule 1220-4-2-.55 of the Tennessee Regulatory Authority, and respectfully complains and petitions to intervene in the above-referenced proceeding in order to represent the interests of Tennessee consumers. The Consumer Advocate Division petitions and complains as follows:

1. The Consumer Advocate Division of the Office of the Attorney General is authorized by Tenn. Code Ann. § 65-4-118 to initiate or participate or intervene in proceedings to represent the interests of Tennessee consumers in accordance with the Uniform Administrative Procedures Act (UAPA).
2. AT&T Communications of the South Central States is a telecommunications utility regulated by the Tennessee Regulatory Authority (TRA) pursuant to Tenn. Code Ann. § 65-4-101. Its normal address for service of legal documents is 1200 Peachtree Street, NE, Room 8068, Atlanta, GA 30309 and its corporate legal counsel is Mr. James P. Lamoreux.

3. The UAPA provides that contested case intervention is handled in accordance with Tenn. Code Ann. § 4-5-310.
4. The UAPA in Tenn. Code Ann. § 4-5-103 (b) further provides that “compliance with the procedures prescribed by this chapter does not obviate the necessity of complying with procedures prescribed by other provisions of this code.”
5. That procedures prescribed by other provisions of the code include the provisions of Tenn. Code Ann. § 65-2-101 (2) as follows:

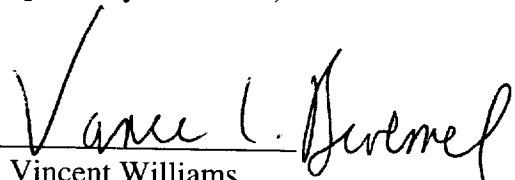
"Contested case" means all proceedings before the authority in which the legal rights, duties, or privileges of specific parties are determined after a hearing before the authority; provided, that the fixing of rates shall be deemed a contested case rather than a rule-making proceeding;
6. That the proceeding in the above referenced docket is one of all proceedings before the authority in which the legal rights, duties or privileges of AT&T Communications and Tennessee consumers will be determined if rates are fixed in this proceeding and said proceeding is a contested case proceeding.
7. Tennessee consumers have a right, a privilege and a duty to pay only just and reasonable and affordable rates pursuant to Tenn. Code Ann. §§ 65-4-122; 65-4-123; 65-5-208; and Tenn. Admin. Rule 1220-4-2-.55 (d).
8. That AT&T seeks to charge rates in excess of those permitted by Tenn. Admin. Rule 1220-4-2-.55 (d) by increasing its rates for calls made during holidays.
9. That AT&T has not justified its rate increase by a showing that its rates under Tenn. Admin. Rule 1220-4-2-.55 are less than just and reasonable rates.
10. That the rates AT&T seeks to charge are in excess of those which are just and reasonable

and affordable and that the rights, privileges and duties of Tennessee consumers and AT&T regarding service at the excessive, extortionate rates will be affected by the decision in this proceeding.

11. That AT&T holiday rate increases should be denied because the proposed rates are unjust and unreasonable.

Wherefore the Consumer Advocate Division prays that the Tennessee Regulatory Authority deny the proposed rate increases of AT&T or in the alternative, initiate a contested case proceeding to determine whether AT&T's rates are just and reasonable and find that the company's rates are more than just and reasonable and set rates for the company and Tennessee consumers.

Respectfully submitted,



L. Vincent Williams

Vance L. Broemel

Office of the Attorney General & Reporter
425 Fifth Avenue North, Second Floor
Nashville, TN. 37243-0500
615-741-8700

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Complaint or Petition has been faxed and or mailed postage prepaid to the parties listed below this 16th day of April, 1999.

James P. Lamoreux, Esq.
1200 Peachtree Street, NE,
Room 8068,
Atlanta, GA 30309

